

It is so ordered. This matter is hereby dismissed with prejudice.

/s/ John R. Adams  
U.S. District Judge  
1/23/18

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

FRANK RUSSO, Individually and On Behalf of  
Others Similarly Situated,

v.

BJ INSPECTIONS, INC.

Case No.: 5:17-cv-02055-JRA  
Collective Action

Judge John R. Adams

Magistrate Judge Kathleen B. Burke

**RULE 41 STIPULATION OF DISMISSAL WITH PREJUDICE**

Plaintiff Frank Russo and Defendant BJ Inspections, Inc. (collectively, the “Parties”) have agreed to proceed entirely in arbitration. *Hensel v. Cargill, Inc.*, 1999 WL 993775, \*4 (6th Cir. Ohio Oct. 19, 1999) (stating that district court could dismiss an action after determining all claims must be submitted to arbitration). None of the parties requests a stay pending arbitration. Therefore, this case may be dismissed in favor of arbitration. *Hilton v. Midland Funding, LLC*, 687 F. App'x 515, 519 (6th Cir. 2017) (“Because none of the parties in this case requested a stay of proceedings, the district court did not err by dismissing the case...”). Accordingly, the Parties respectfully request that the above-captioned lawsuit be dismissed with prejudice.

Respectfully submitted,

**/s/ Michael A. Josephson**

By: \_\_\_\_\_

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